

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**UNITED STATES OF AMERICA,**

**VS.**

**CRIMINAL ACTION NO. 1:07CR78-P-D**

**JOHN LEWIS KELLUM,**

**DEFENDANT.**

**ORDER CONTINUING TRIAL**

This matter comes before the court upon Defendant's First Motion for Continuance [8]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for September 10, 2007. Defense counsel requests a continuance in order for additional time to negotiate a plea bargain with the Government.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from September 10, 2007 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

**IT IS THEREFORE ORDERED AND ADJUDGED that:**

- (1) Defendant's Motion for Continuance [8] is **GRANTED**;
- (2) Trial of this matter is continued until Monday, October 22, 2007 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from September 10, 2007 to October 22, 2007 is excluded from Speedy Trial

Act considerations as set out above;

- (4) The deadline for filing pretrial motions is October 1, 2007; and
- (5) The deadline for submitting a plea agreement is October 9, 2007.

**SO ORDERED** this the 27<sup>th</sup> day of August, A.D., 2007.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE